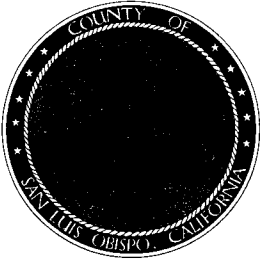


**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building		(2) MEETING DATE January 24, 2006 Feb. 17, 2006		(3) CONTACT/PHONE Stephanie Fuhs (805) 781-5721	
(4) SUBJECT Avigation Easement from Centex Homes, a Nevada General Partnership, for the San Luis Obispo County Regional Airport, Supervisorial District #3.					
(5) SUMMARY OF REQUEST The attached documents grant an avigation easement to the County for the San Luis Obispo County Regional Airport. The property is located at 3592-3598 Broad Street, in the City of San Luis Obispo.					
(6) RECOMMENDED ACTION Adopt the Resolution accepting the avigation easement for the San Luis Obispo County Regional Airport.					
(7) FUNDING SOURCE(S) Current Budget		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> N/A <input type="checkbox"/> NO					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): County Counsel					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) 1st, 2nd, <u>3rd</u> 4th, 5th, All			(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		
(15) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(16) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input checked="" type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(18) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		

(19) ADMINISTRATIVE OFFICE REVIEW	<p>OK Leslie Bism</p> <p style="font-size: 2em; transform: rotate(-15deg);">B-15 (2-7-06)</p>
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SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: BOARD OF SUPERVISORS

FROM: STEPHANIE FUHS, DEVELOPMENT REVIEW

VIA: WARREN HOAG, DIVISION MANAGER, CURRENT PLANNING *WH*

DATE: JANUARY 24, 2006

SUBJECT: AVIGATION EASEMENT FROM CENTEX HOMES, A NEVADA GENERAL PARTNERSHIP, FOR THE SAN LUIS OBISPO REGIONAL AIRPORT, SUPERVISORIAL DISTRICT #3

RECOMMENDATION

Adopt the resolution accepting the Avigation Easement for the San Luis Obispo County Regional Airport.

DISCUSSION

Attached is an avigation easement document from Centex Homes, a Nevada General Partnership, which grants an avigation easement to the County of San Luis Obispo over property near the San Luis Obispo County Regional Airport, together with a Resolution accepting said easement and directing the county Clerk-Recorder to record same. The avigation easement was required because the project site is within the Airport Review combining designation area.

OTHER AGENCY INVOLVEMENT/IMPACT

County Counsel reviewed and approved the easement and resolution as to form and legal effect.

FINANCIAL CONSIDERATIONS

None.

RESULTS

Approval creates an easement over the airspace above the said parcel. This airspace provides aircraft with unobstructed access to the airport runway.

ATTACHMENTS

Resolution

Vicinity Map

Site Map

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: <http://www.sloplanning.org>

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IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20____

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. ____

**RESOLUTION ACCEPTING AVIGATION EASEMENT
FROM CENTEX HOMES, A NEVADA GENERAL PARTNERSHIP**

The following Resolution is hereby offered and read:

WHEREAS, the County has need of avigation easements in the vicinity of the San Luis Obispo County Regional Airport (053,231,024); and,

WHEREAS, Centex Homes, a Nevada General Partnership, has submitted a proposed avigation easement for property in the vicinity of the San Luis Obispo County Regional Airport, to the County of San Luis Obispo, and it is in the public interest that said avigation easement be recorded.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth herein above are true, correct and valid.
2. That the avigation easement, dated December 15, 2005, from Centex Homes, a Nevada General Partnership, to the County of San Luis Obispo, concerning land in the area of the San Luis Obispo County Regional Airport, be and hereby is accepted by the County of San Luis Obispo in the form set forth in the document attached hereto, which is incorporated herein by reference as though herein fully set forth.

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3. That the County of San Luis Obispo hereby consents to the recordation of said avigation easement and the County Clerk/Recorder be and hereby is authorized and directed to record said avigation easement in the San Luis Obispo County Recorder's official records.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to-wit:

AYES:

NOES:

ABSENT

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

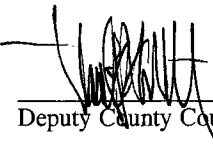
[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.

County Counsel

By:



Deputy County Counsel

Dated:

12.27.05

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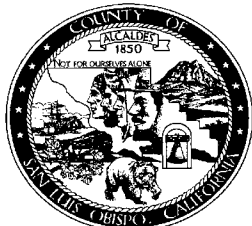
RECORDING REQUESTED BY
SAN LUIS OBISPO COUNTY

WHEN RECORDED, RETURN TO:

Director of Planning & Building
County Government Center
San Luis Obispo, California 93408
ATTN: Development Review

APN(S): 053,231,024

SLO City Permit



GRANT OF AVIGATION EASEMENT

No fee Document
(Public Entity Grantee, Government Code Section 27383)

For a valuable consideration, receipt of which is hereby acknowledged, Centex Homes, a Nevada general partnership, hereinafter referred to as "Grantor(s)", HEREBY GRANT(S) TO the County of San Luis Obispo, a political subdivision of the State of California, hereinafter referred to as "County", for the use and benefit of the public, a perpetual and assignable easement and right-of-way, and certain rights appurtenant to said easement as hereinafter set forth, in, on and over the following described real property situated in the County of San Luis Obispo, State of California, in which Grantor(s) hold(s) a fee simple estate, lying above, in whole or in part, the horizontal limits of the civil airport imaginary surfaces described in Federal Aviation Regulations, Part 77.25 (14 CFR 77.25), as applicable to the *San Luis Obispo County Regional Airport*, situated in the County of San Luis Obispo, State of California, hereinafter referred to as "Airport", which parcel of real property is described as follows:

As shown in Exhibit A, attached hereto and incorporated herein as though set forth in full.

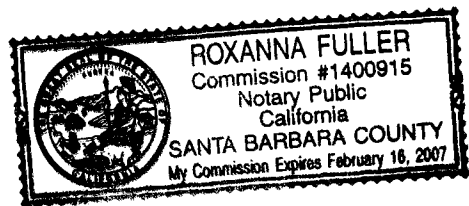
Said parcel of real property described above is delineated by hatched lines on the map attached hereto as *Exhibit B* and incorporated by reference herein as though set forth in full.

(Continued following page)

STATE OF CALIFORNIA)

COUNTY OF SAN LUIS OBISPO)

)
)SS
)



(SEAL)

On this 15 day of December, in the year 2005, before me, ROXANNA FULLER a Notary Public, personally appeared TRAVIS FUENTEZ AND Michael Murphy, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that, he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

Roxanna Fuller, Notary Public

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GRANT OF AVIGATION EASEMENT

(Page 2)

IT IS AGREED by Grantor(s) that he/they shall not hereafter erect, enlarge or grow, or permit the erection, enlargement or growth of, or permit or suffer to remain, any building, structure, or other object, or any tree, bush, shrub or other vegetation, within or into the airspace above said Imaginary Surfaces overlying said real property.

IT IS FURTHER AGREED by Grantor(s) that the easement and rights hereby granted to County are for the purpose of ensuring that occupants of the real property burdened by this easement are aware that the quiet enjoyment of this real property may be interrupted by noise generated by over-flying aircraft and by aircraft operations at the Airport, and for the additional purpose of ensuring that said Imaginary Surfaces shall remain free and clear of any building, structure or other object, and of any tree, bush shrub or other vegetation, which is or would constitute an obstruction or hazard to the flight of aircraft landing at and/or taking off from said Airport. These rights shall include, but not be limited to, the following:

1. The continuing and perpetual right of County, at Grantor(s)' sole cost and expense, to cut off, trim, and/or prune those portions of any tree, bush shrub and/or other vegetation extending, projecting or infringing into or upon the airspace above said Imaginary Surfaces.
2. The continuing and perpetual right of County, at Grantor(s)' sole cost and expense, to remove, raze or destroy those portions of any building, structure or other object, infringing, extending or projecting into or upon said Imaginary Surfaces.
3. The right of County, at Grantor(s)' sole cost and expense, to mark and light, as obstructions to air navigation, any building, structure or other object, any tree, bush, shrub or other vegetation, that may at any time infringe, project or extend into or upon said Imaginary Surfaces.
4. The right of County for ingress to, egress from, and passage on or over said real property of Grantor(s) for above purposes. County shall exercise said right of ingress and egress only after County gives Grantor(s) twenty-four (24) hours notice of County's intent to enter Grantor(s) property. County shall not be precluded from exercising its right of ingress and egress by the failure of Grantor(s) to receive notice if County has made a reasonable effort to notify Grantor(s). If, in the opinion of the Airport manager, an obstruction or hazard exists within or upon said Imaginary Surfaces overlying said real property, which creates an immediate danger to the flight of aircraft landing at and/or taking off from the Airport such that immediate action is necessary, County may exercise its right of ingress and egress for the above purposes without notice to Grantor(s).
5. The right of flight for the unobstructed passages of aircraft, for the use and benefit of the public, in the airspace above said Imaginary Surfaces, together with the right to cause in or about said airspace such noise, light, electromagnetic emissions, vibrations, fumes, dust, fuel particles, and all other effects as may be inherent in the navigation or flight of aircraft now or hereafter used or known, using said airspace for landing at, taking off from, or operating from, to, at, on, or over said Airport. Note: Noise from over flying aircraft and from aircraft operations on the airport may be considered significant to persons residing and/or working on this real property.
6. The continuing and perpetual right of the County to allow aircraft flight and ground operations at said Airport at all times.

IT IS FURTHER AGREED by Grantor(s) that he/they fully realize that any negative effects of aircraft operations at County Airports, as they pertain to this real property, are not expected to diminish from the level at the time of granting this easement.

(Continued following page)

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GRANT OF AVIGATION EASEMENT

(Page 3)

The easement granted herein and all rights appertaining thereto are granted unto the County, its successors and assigns, until said Airport shall be abandoned and ceased to be used for airport purposes.

If any item, covenant, condition or provision of this easement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall no way be affected, impaired or invalidated thereby.

IT IS UNDERSTOOD AND AGREED by Grantor(s) that this easement and the covenants and restrictions contained herein shall run with the land described above and shall be binding upon the heirs, successors and assigns of Grantor(s). For purposes of this instrument, the above-described real property shall be the servient tenement and the Airport shall be the dominant tenement.

Dated: 12/15/05

GRANTORS:

Centex Homes, a Nevada General Partnership

By: [Signature]

Its: DIVISION PRESIDENT

By: [Signature]

Its: DIVISION CONTROLLER

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EXHIBIT A**LEGAL DESCRIPTION****PARCEL 1:**

Lot 92 of the San Luis Obispo Suburban Tract, in the City of San Luis Obispo, County of San Luis Obispo, State of California, according to map recorded February 7, 1906 in Book 1, Page 92 of Records of Surveys.

EXCEPTING THEREFROM that portion conveyed to the People of the State of California, acting by and through the Department of Transportation by Final Order of Condemnation, recorded February 14, 1977 in Book 1949, Page 694 of Official Records.

PARCEL 2:

A Non-Exclusive Access Easement for ingress and egress over that portion of the property lying in the City of San Luis Obispo, County of San Luis Obispo, State of California, according to Document No. 2002-103643 of Official Records of said County, also being a portion of Parcel 1 of Lot Line Adjustment SLO AL 03-0095 in the City of San Luis Obispo, County of San Luis Obispo, State of California, according to Document No. 2003-077383 of Official Records of said County, said portion being more particularly described as follows:

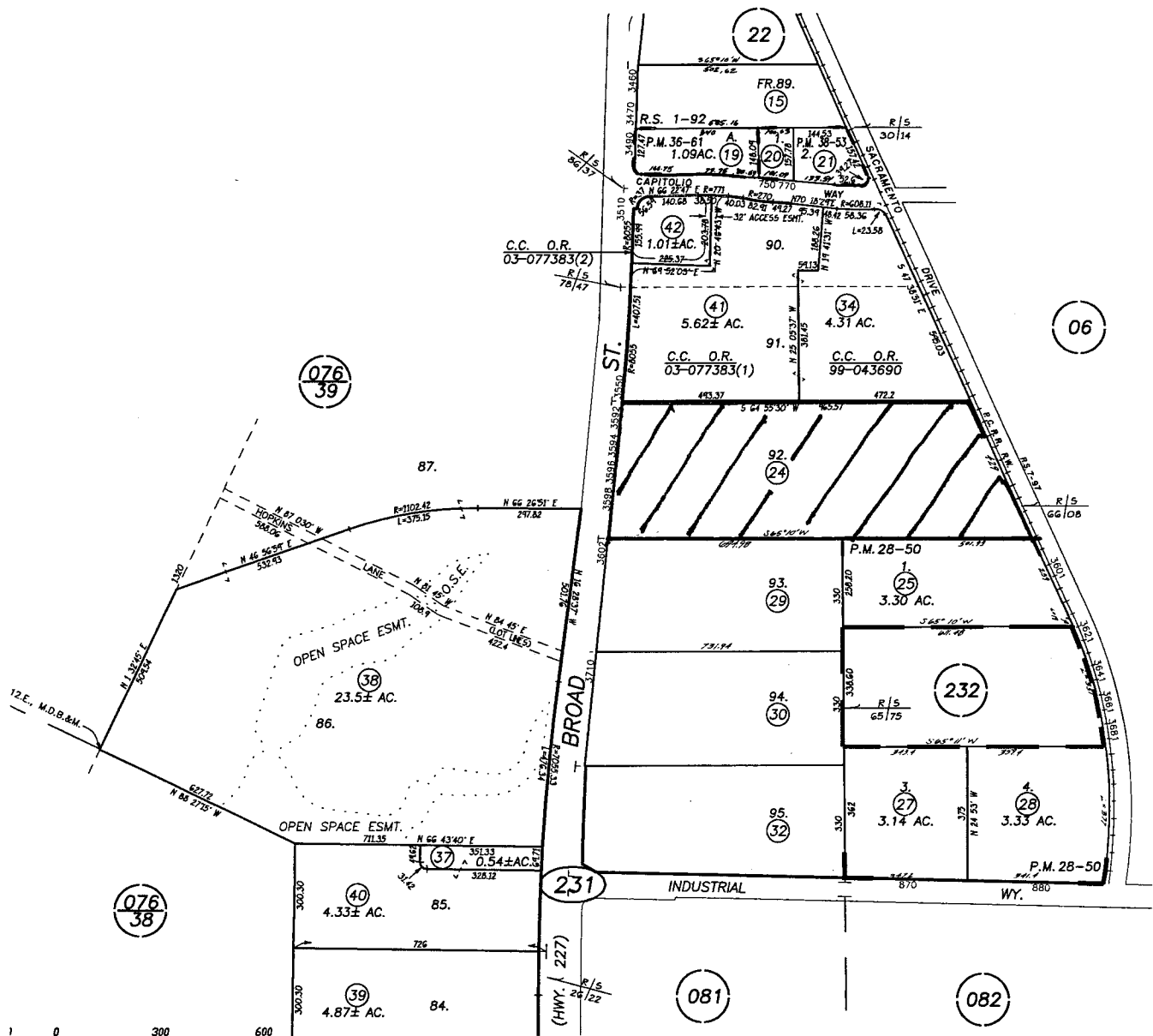
Beginning at the most Southerly corner of said Parcel 1;
Thence along the Southeasterly line of said Parcel 1 North $66^{\circ}30'10''$ East (North $66^{\circ}29'45''$ East, record per Record of Survey filed in Book 86, Page 37 of Licensed Surveys) 125.00 feet;
Thence leaving said Southeasterly line, North $71^{\circ}35'11''$ West 30.00 feet;
Thence North $86^{\circ}34'32''$ West 77.22 feet;
Thence South $66^{\circ}29'57''$ West 27.98 feet to a point on the Easterly right of way line of Broad Street, said point being the beginning of a non-tangent curve concave to the West having a radius of 8055.00 feet and to which beginning a radial line bears North $72^{\circ}22'22''$ East;
Thence along said right of way line, Southerly along the arc of said curve through a central angle of $00^{\circ}23'36''$ a distance of 55.31 feet to the Point of Beginning.

Assessor's Parcel No: 053,231,024

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EXHIBIT B

MAP



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